

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RODNEY D. TOW,
Chapter 7 Trustee of AmeriSciences, L.P.,

Plaintiff,

v.

ORGANO GOLD INTERNATIONAL,
INC., ORGANO GOLD ENTERPRISES,
INC., HOLTON BUGGS, and BARRY
COCHEU,

Defendants.

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CASE NO. 4:16-CV-00643

VERDICT FORM

Question No. 1

Did any Defendant misappropriate a trade secret owned by AmeriSciences?

Answer "yes" or "no."

Barry Cocheu: yes

Holton Buggs: yes

Organo Gold International: yes

Organo Gold Enterprises: yes

Question No. 2

Did any Defendant tortiously interfere with AmeriSciences' contracts with its distributors?

Answer "yes" or "no."

Barry Cocheu:

Yes

Holton Buggs:

Yes

Organo Gold International:

Yes

Organo Gold Enterprises:

Yes

Question No. 3

Did Defendant Barry Cocheu breach his fiduciary duty to AmeriSciences?

Answer "yes" or "no."

Yes

Question No. 4

If you answered “yes” to Question No. 3, did Defendants Holton Buggs, Organo Gold International, or Organo Gold Enterprises aid and abet Barry Cocheu in a breach of fiduciary duty?

Answer “yes” or “no.”

Holton Buggs:

yes

Organo Gold International:

yes

Organo Gold Enterprises:

yes

Question No. 5

Did Defendant Barry Cocheu commit defalcation while acting in a fiduciary capacity?

Answer "yes" or "no."

Yes

Question No. 6

Have Defendants Holton Buggs, Organo Gold International, or Organo Gold Enterprises been unjustly enriched?

Answer "yes" or "no."

Holton Buggs:

Yes

Organo Gold International:

Yes

Organo Gold Enterprises:

Yes

Question No. 7

Did Defendant Barry Cocheu transfer the AmeriSciences distributor list or the WMS software with actual intent to hinder, delay, or defraud any creditor?

Answer "yes" or "no."

yes

Question No. 8

Did Defendant Barry Cocheu transfer the AmeriSciences distributor list or the WMS software through a constructive fraudulent transfer?

Answer "yes" or "no."

yes

Question No. 9

If you answered “yes” to any question above, what sum of money, if paid now in cash, would compensate AmeriSciences for the actual damages that it incurred?

Answer in dollars and cents, or “none.”

\$ 3,461,166.00

Question No. 10

Do you find by clear and convincing evidence that any Defendant should pay punitive damages?

Answer "yes" or "no."

Barry Cocheu: Yes

Holton Buggs: No

Organo Gold International: No

Organo Gold Enterprises: No

Question No. 11

If you answered “yes” to Question No. 10 for any Defendant, what sum of money, if paid now in cash, should that Defendant pay in punitive damages?

Answer in dollars and cents, or “none.”

Barry Cocheu: \$150,000.00

Holton Buggs: n/a

Organo Gold International: n/a

Organo Gold Enterprises: n/a

Signed on this the 15th day of May, 2018. ✓

Redacted